

By: Cole

H.B. No. 2161

A BILL TO BE ENTITLED

AN ACT

relating to human sexuality education in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0041 to read as follows:

Sec. 28.0041. HUMAN SEXUALITY EDUCATION. (a) In this section:

(1) "Age appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(2) "Medically accurate" means supported by peer-reviewed research conducted in compliance with accepted scientific methods and recognized as accurate by leading professional organizations and agencies with relevant experience, such as the American Medical Association.

(b) A school district shall provide human sexuality education in accordance with this section at grade levels specified by the State Board of Education.

(c) The State Board of Education by rule shall adopt the essential knowledge and skills for medically accurate, age-appropriate curriculum to be used by a school district in providing human sexuality education under this section. As age appropriate, the curriculum must:

1 (1) cover human sexuality, pregnancy, and sexually
2 transmitted infections;

3 (2) discuss human sexuality as a normal and healthy
4 aspect of human development;

5 (3) present abstinence from sexual activity as the
6 preferred choice of behavior in relationship to all sexual activity
7 for unmarried persons of school age;

8 (4) devote sufficient attention to abstinence from
9 sexual activity to emphasize the importance of abstinence;

10 (5) emphasize that abstinence from sexual activity, if
11 used consistently and correctly, is the only method that is 100
12 percent effective in preventing pregnancy and sexually transmitted
13 infections;

14 (6) provide information about the health benefits,
15 side effects, and proper use of the methods approved by the United
16 States Food and Drug Administration for preventing unintended
17 pregnancy and reducing the risk of contracting sexually transmitted
18 infections; and

19 (7) promote relationship, communication, and
20 decision-making skills, including strategies to:

21 (A) develop healthy, age-appropriate
22 relationships;

23 (B) develop healthy life skills, including
24 critical thinking, problem solving, effective communication, and
25 responsible decision making about sexuality and relationships; and

26 (C) promote effective communication between
27 adolescents and their parents, legal guardians, or other family

1 members about sexuality and relationships.

2 (d) A school district may separate students according to sex
3 when providing instruction under this section.

4 (e) A school district shall make all curriculum materials
5 used in the district's human sexuality education available for
6 reasonable public inspection.

7 (f) A school district shall adopt a policy regarding whether
8 condoms may be distributed in connection with human sexuality
9 education.

10 (g) A student shall be excused from human sexuality
11 education on the written request of a parent or legal guardian
12 without being subjected to any disciplinary action, academic
13 penalty, or other sanction imposed by the school district or the
14 student's school.

15 (h) Before each school year, a school district shall provide
16 written notice to a parent or legal guardian of each student
17 enrolled in the district of the intent to provide human sexuality
18 education under this section. The notice must include:

19 (1) a summary of the basic content of the human
20 sexuality education to be provided to the student;

21 (2) the district's policy on the distribution of
22 condoms in connection with human sexuality education; and

23 (3) a statement of the parent's or legal guardian's
24 right to:

25 (A) review curriculum materials as provided by
26 Subsection (e); and

27 (B) remove the student from any part of the

1 district's human sexuality education as provided by Subsection (g).

2 SECTION 2. Section 12.104(b), Education Code, as amended by
3 Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts
4 of the 85th Legislature, Regular Session, 2017, is reenacted and
5 amended to read as follows:

6 (b) An open-enrollment charter school is subject to:

7 (1) a provision of this title establishing a criminal
8 offense; and

9 (2) a prohibition, restriction, or requirement, as
10 applicable, imposed by this title or a rule adopted under this
11 title, relating to:

12 (A) the Public Education Information Management
13 System (PEIMS) to the extent necessary to monitor compliance with
14 this subchapter as determined by the commissioner;

15 (B) criminal history records under Subchapter C,
16 Chapter 22;

17 (C) reading instruments and accelerated reading
18 instruction programs under Section 28.006;

19 (D) accelerated instruction under Section
20 28.0211;

21 (E) high school graduation requirements under
22 Section 28.025;

23 (F) special education programs under Subchapter
24 A, Chapter 29;

25 (G) bilingual education under Subchapter B,
26 Chapter 29;

27 (H) prekindergarten programs under Subchapter E

1 or E-1, Chapter 29;

2 (I) extracurricular activities under Section

3 33.081;

4 (J) discipline management practices or behavior

5 management techniques under Section 37.0021;

6 (K) health and safety under Chapter 38;

7 (L) public school accountability under

8 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

9 (M) the requirement under Section 21.006 to

10 report an educator's misconduct;

11 (N) intensive programs of instruction under

12 Section 28.0213;

13 (O) the right of a school employee to report a

14 crime, as provided by Section 37.148; ~~and~~

15 (P) bullying prevention policies and procedures

16 under Section 37.0832;

17 (Q) the right of a school under Section 37.0052

18 to place a student who has engaged in certain bullying behavior in a

19 disciplinary alternative education program or to expel the student;

20 ~~and~~

21 (R) the right under Section 37.0151 to report to

22 local law enforcement certain conduct constituting assault or

23 harassment;

24 (S) ~~(P)~~ a parent's right to information

25 regarding the provision of assistance for learning difficulties to

26 the parent's child as provided by Sections 26.004(b)(11) and

27 26.0081(c) and (d); and

1 (T) human sexuality education under Section
2 28.0041.

3 SECTION 3. Sections 28.004(c) and (n), Education Code, are
4 amended to read as follows:

5 (c) The local school health advisory council's duties
6 include recommending:

7 (1) the number of hours of instruction to be provided
8 in health education;

9 (2) policies, procedures, strategies, and curriculum
10 appropriate for specific grade levels designed to prevent obesity,
11 cardiovascular disease, Type 2 diabetes, and mental health concerns
12 through coordination of:

13 (A) health education;

14 (B) physical education and physical activity;

15 (C) nutrition services;

16 (D) parental involvement;

17 (E) instruction to prevent the use of
18 e-cigarettes, as defined by Section 161.081, Health and Safety
19 Code, and tobacco;

20 (F) school health services;

21 (G) counseling and guidance services;

22 (H) a safe and healthy school environment; and

23 (I) school employee wellness;

24 (3) ~~[appropriate grade levels and methods of~~
25 ~~instruction for human sexuality instruction,~~

26 [(4)] strategies for integrating the curriculum
27 components specified by Subdivision (2) with the following elements

1 in a coordinated school health program for the district:

2 (A) school health services;

3 (B) counseling and guidance services;

4 (C) a safe and healthy school environment; and

5 (D) school employee wellness; and

6 (4) [~~(5)~~] if feasible, joint use agreements or
7 strategies for collaboration between the school district and
8 community organizations or agencies.

9 (n) Any joint use agreement that a school district and
10 community organization or agency enter into based on a
11 recommendation of the local school health advisory council under
12 Subsection (c)(4) [~~(e)(5)~~] must address liability for the school
13 district and community organization or agency in the agreement.

14 SECTION 4. Sections 28.004(e), (f), (g), (h), (i), (i-1),
15 and (j), Education Code, are repealed.

16 SECTION 5. This Act applies beginning with the 2020-2021
17 school year.

18 SECTION 6. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2019.